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PP RUEHWEB

DE RUEHVEN #0098/01 1071628  
ZNR UUUUU ZZH  
P 161628Z APR 08  
FM USMISSION USOSCE  
TO RUEHC/SECSTATE WASHDC PRIORITY 5646  
INFO RUCNCFE/CONVENTIONAL ARMED FORCES IN EUROPE  
RUEAIIA/CIA WASHDC  
RUEKJCS/DIA WASHDC  
RUEKJCS/SECDEF WASHDC  
RUEASWA/DTRA ALEX WASHINGTON DC//OSAE  
RUESDT/DTRA-OSES DARMSTADT GE  
RHMFISS/CDR USEUCOM VAIHINGEN GE  
RUEKJCS/JOINT STAFF WASHDC//J5-DDPMA-IN/CAC/DDPMA-E//  
RUEAHQA/HQ USAF WASHINGTON DC//XONP//

UNCLAS USOSCE 000098

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STATE FOR VCI/CCA, EUR/RPM  
NSC FOR DOWLEY  
JCS FOR J5 NORWOOD  
OSD FOR ISA (PERENYI)

E.O. 12958: N/A  
TAGS: [KCFE](#) [OSCE](#) [PARM](#) [PREL](#)  
SUBJECT: CFE: APRIL 15 JCG PLENARY, RUSSIA SAYS TOI WORK IS  
WASTE OF TIME

REF: USOSCE 87

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11. (SBU) SUMMARY: At the April 15 Joint Consultative Group (JCG), Germany and Russia exchanged opposing views stemming from Russia's refusal to accept Germany's April 8 inspection notice. Belarus said that despite the 28 March NAC statement's positive tone, it does not solve the problems related to ratification of the a/CFE. He suggested the only way to restore the viability of the CFE regime is for all states to ratify the a/CFE as soon as possible. The JCG adopted the decision on the length of the session, with the last plenary to be held on July 22, and the first plenary of the fall on September 9. At the Treaty Operations and Implementation (TOI) working group following the plenary, Russia backed away from its approach in recent weeks to TOI work. Instead, it made a strong statement that asserted it is a waste of time to discuss any implementation issues for the current Treaty since it is obsolete. Russia says we should deal with more serious matters, like how to get a/CFE to enter into force. End summary.

12. (SBU) Belarus (Pavlov) was first to intervene at the Plenary with a statement recalling the previous week's discussion related to the March 28 NAC statement on CFE (JCG.DEL/14/08). Belarus has taken note of the NAC statement, and despite its positive tone and many provisions, it does not solve the problems for NATO states to ratify a/CFE. The only way it is possible to restore the viability of the CFE regime is ratification by all States Parties. He drew particular attention to paragraph 6 of the NAC statement that indicates the current situation cannot continue indefinitely. Non-entry into force of a/CFE will lead to a complete failure of European security. Belarus encouraged all states to ratify a/CFE as soon as possible.

Shall we dance?  
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13. (SBU) Similar to the U.S. and Polish statements last week (Ref A), Germany (Richter) made a statement regretting

Russia, rejection of its April 8 notification requesting an inspection beginning on April 15. Germany intends to maintain all its duties, including information exchanges under CFE despite Russia's unilateral suspension of the Treaty. He made clear Germany's wish to counter the danger of further erosion of the Treaty, by Russia or others. Germany will discourage others from eroding the Treaty, which is an anchor for stability and European security. Germany will try its "level best" to overcome the current situation. The parallel actions package offers the best approach to address Russian concerns. The NAC statement makes it clear that Allies will meet the requirements to make a/CFE possible through the parallel action package. Now it is up to Russia to take action, to end its suspension, to take up the package and bring this situation to an end. (see Journal JCG.JOUR/658).

14. (SBU) Russia (Ulyanov) responded calmly by noting he has already had the occasion to explain three times why it is no longer possible for Russia to accept such inspections and why it will continue to refuse them. He did not want to take our time by repeating his previous remarks, and if raised again, he reserved the right to refrain from responding yet again. Russia understands Germany's concerns and feelings about erosion of the CFE, but the best way to avoid erosion is to engage in an intense dialogue ) whether bilateral, in the JCG, or NATO. Russian appeals for dialogue in the JCG have not produced much in the way of results. As to ways to save CFE, nothing prevents NATO states to set about ratifying a/CFE now. The outstanding issues related to Moldova and Georgia have no bearing on ratification and are purely dictated by political considerations. This is an erroneous approach and Russia appeals again for substantive discussion necessary for a/CE ratification.

15. (SBU) Based on Russia's response, Germany pointed out that there is a written package on the table endorsed by all NATO states. When such a package is offered, it is fair to expect a response. Russia has made clear it is studying the proposal. When can we expect a response from Russia to NATO's proposal? Ulyanov professed not to understand the question, noting the package has been under consideration for some time, at least from October 12 last year. In fact, the package has many Russian proposals, not just NATO or U.S. ideas. These were discussed in Washington in February, and in Moscow on March 19, and the next meeting has not yet been decided. The document under consideration has lots of brackets, and lots of it has not been agreed to. Reaching agreement on all aspects will be difficult and could take quite awhile.

16. Although the U.S. did not speak at the meeting, afterwards Russia (Ulyanov) referred to Germany's statement and quietly asked the U.S. (Neighbour) if we believed it would be useful for Russia to provide a detailed response to the NAC statement of March 28 in the JCG. USDel replied that NATO had a set of constructive proposals on the table; the logical Russian response would be to take them seriously and work cooperatively to reach closure on them in bilateral talks. He said this would be going far beyond the generalities in the Russian MFA statement. Neighbour cautioned that the JCG was not the place to negotiate the parallel package, that we will not engage there in the details and it would be counter-productive to the bilateral track. Ulyanov said he accepted that position, but asked that we pass his question to capital, i.e., whether a Russian response in the JCG in detail to elements of the NAC statement could be helpful.

TOI Story  
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17. (SBU) At the TOI meeting following the plenary, the Lists of Notifications and Formats (JCG.TOI/23/07/Rev2) was agreed as a reference document, but further discussion of TOI issues was essentially blocked after Russia hijacked the meeting at agenda item 6 (Consolidated Matrix 2008). Russia claimed that this document is not an official document of the

JCG, has never been adopted nor agreed, and was merely the initiative of one delegation (Germany) to be used as a reference document. Russian rep (Solomenko) said the agenda for this meeting should only deal with CFE business, but since Russia is not applying the CFE Treaty anymore, it cannot be involved in "minor updates" to a Treaty that is "obsolete." It is a waste of time to discuss such items, and we should deal with more serious matters such as how a/CFE can enter into force and how we can ensure all can enforce the obligations under a/CFE. Russia asked that this item be removed from the agenda, and in the future we should only work on a/CFE issues.

¶18. (SBU) USDel (Claus) responded, supporting the Chair's work and Germany's efforts, calling the Consolidated Matrix a very useful document in support of JCG discussions. USDel also noted that work on current TOI issues (e.g., POET, costs, aCFE inspection report formats) are necessary to prepare for entry into force of aCFE. Turkey and Canada supported the US. Fardellotti, expressing surprise, recalled that in previous discussions of the Consolidated Matrix (which has been produced by Germany for several years), all States had expressed support for the document. (Comment: Russia may be backtracking on the document because, for the first time, it does not contain Russian CFE information for 2008 and instead uses derived data. During the April 10 small group meeting, Solomenko was easy to work with and did not raise any of the above issues. End comment.)

¶19. (SBU) During discussions after the meeting with the Chair and the Secretariat, it was agreed to reissue the agreed Lists of Notifications and Formats document as a 2008 TOI paper. The Chair will refer to it at the next JCG plenary, request his comments be entered into the journal, and ask the

JCG whether it should be a draft decision. Regarding the Consolidated Matrix, Fardellotti will publish it (with U.S. provided corrections) as a reference document, noting that all States Parties had an opportunity to comment. The small group (minus Russia) will meet on April 17 to discuss how best to engage Russia in the TOI.

AOB  
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¶10. (SBU) Per Ref A, Armenia also provided information on its national ratification procedures in response to Russia's requests for such data. Under Armenian law, international treaties are subject to ratification. Interagency coordination is required before receiving approval from the President and the Constitutional Court. Consultations are held with parliament, and following parliamentary approval the Minister of Foreign Affairs informs the depositary of the ratification. The process can take from 6 months to one year.

¶11. (SBU) The JCG adopted the decision on the length of the current session, and start of the fall session. The last plenary this session will be July 22, and September 9 will be the opening plenary in the fall. (JCG.DEC/1/08). The next JCG is on April 22, and will be chaired by Hungary.

¶12. (SBU) At the JCG-T on April 14, Hungary confirmed that it will provide a dialogue presentation for the April 29 JCG plenary on permanent stationing and temporary deployments. Hungary will pre-brief the JCG-T on April 28. Germany said it would move its presentation to May 6, rather than April 22 in light of Russia's plans to discuss ceilings for potential new Treaty members on that date.

FINLEY